



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 2, 1998

Mr. Jerry Bruce Cain
Assistant City Attorney
Office of the City Attorney
The City of Laredo
P.O. Box 579
Laredo, Texas 78042-0579

OR98-0004

Dear Mr. Cain:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111330.

The City of Laredo (the "city") received a request for

Copies of records of the entire case and complete investigation of case
97-4926 of 2/27/97 in ref. to Ricardo Cortez d.o.b. 2/4/79.

You claim the requested information is excepted from disclosure under section 552.108(a) of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 provides in part:

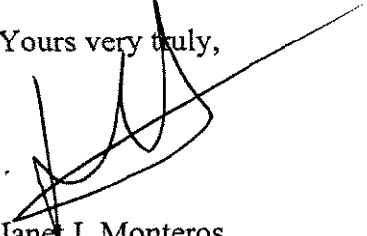
(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or (3) it is information that: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

You have represented to this office that the submitted documents "concern an ongoing and continuing investigation of a shooting incident, and is maintained in the investigative files

in the Laredo Police Department.” You further state that “as of this time, no decision has been made as to whether any person will be prosecuted for a criminal offense for this shooting.” We conclude that you have shown that release of the requested information would interfere with the detection, investigation, or prosecution of crime and thus, it is excepted from disclosure under section 552.108(a)(1). However, you must release the type of information that is considered to be front page offense report information. *See generally* Act of June 1, 1997, H.B. 951, § 1, 75th Leg., R.S. (to be codified at Gov’t Code § 552.108(c)); *Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Although section 552.108 authorizes you to withhold the requested information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov’t Code § 552.007.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref.: ID# 111330

Enclosures: Submitted documents

cc: Mr. Bernardo Cortez, Jr.
413 Yucatan
Laredo, Texas 78043
(w/o enclosures)

¹We note, however, that some of the information submitted to this office for review is deemed confidential by law, the release of which may constitute a criminal offense. *See* Gov’t Code § 552.352. Thus, if you receive a subsequent request for this information, you should re-assert your argument against disclosure at that time.